

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

INTERFOCUS INC., A California
Corporation,

Plaintiff,

v.

The Defendants Identified in SCHEDULE
A,

Defendant.

Case No.: 1:22-cv-02259

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION, TO EXPEDITE THE
PRELIMINARY INJUNCTION HEARING, AND TO EXTEND THE OCTOBER 4,
2022 TEMPORARY RESTRAINING ORDER**

Plaintiff INTERFOCUS INC. (“Plaintiff”) moves for a preliminary injunction, to expedite the preliminary injunction hearing, and to extend the temporary restraining order previously issued by this Court on October 4, 2022 (Dkt. 22) until this Court has held the preliminary injunction hearing. The grounds for this motion are set forth in Plaintiff’s previously filed motions for an ex parte temporary restraining order, the memorandum of law filed in support, and in the declarations of Amanda Richardson-Golden, Mark Lee, Robert Rosenblum, and Sandi Graham. Dkts. 9-15. Further grounds are set forth below.

1. On October 4, 2022, this Court entered a Sealed Temporary Restraining Order (“the Order”) (Dkt. 22) enjoining “The Defendants Identified in Schedule A” from the sales of counterfeit products, among other things.

2. The Order expires, consistent with Rule 65(b)(2), on October 18, 2022.

3. On October 6, 2022, Plaintiff served the Sealed Temporary Restraining Order and all documents filed in this case on the Defendants, per paragraph 5 of the Order. Dkt. 22 at 5; Dkt. 25 (Certificate of Service).

4. On October 6 and 7, 2022, Plaintiff served the Order on Third Party Payment Processors, per paragraph 3 of the Order. Dkt. 22 at 4.

5. Plaintiff sought to post the bond required under paragraph 7 of the Order. The cashier's check for the bond was sent to the Court on Friday, October 7, 2022, and received by the Court on Tuesday, October 11, 2022 (the first business day after the holiday). On October 12, 2022, the clerk's office notified Plaintiff that it had not included the required form (although the information in the document submitted with the cashier's check included all of the information required by the form). Plaintiff has sent another cashier's check to the Court with the required form, and the check is expected to be received by the Court by Friday, October 14, 2022.

6. Defendants have neither responded to the Order nor have Defendants contacted Plaintiff.

7. Defendants will have been given notice of this motion by service in the manner set forth in paragraph 5 of the Order as soon as this motion is filed.

8. Pursuant to Rule 65(b)(3), F. R. Civ. P., where, as here, the Court has issued an ex parte temporary restraining order, "the motion for a preliminary injunction must be set for hearing at the earliest possible time"

9. Because the Defendants have not responded to service of the Order or of the Complaint, it is not possible to schedule a preliminary injunction hearing in which

Defendants could reasonably participate without extending the duration of the Order for at least an additional 14 days, until November 1, 2022.

10. For the reasons set forth above, Plaintiff submits that this Court should order as follows:

- a. The duration of the Sealed Temporary Restraining Order is extended until November 1, 2022;
- b. Defendants shall file a Response to Plaintiff's Motion for a Preliminary Injunction by no later than October 25, 2022;
- c. If Defendants do not file a Response on or before October 25, 2022, then the Court will grant Plaintiff's Motion for a Preliminary Injunction and no hearing will be held;
- d. If Defendants file a Response on or before October 25, 2022, then the Court will set a date for a preliminary injunction hearing, and extend the duration of the Order until the date of such hearing;
- e. Plaintiff shall file proof of service of the above-described order, if the Court issues it, within two business days of the date of such order.

Date: October 13, 2022

Respectfully submitted,

RIMON, P.C.

/s/ Eric C. Cohen

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Attorneys for Plaintiff, INTERFOCUS INC.

CERTIFICATE OF SERVICE

I hereby certify that on October 13, 2022, this document was filed with the Clerk of the Court using CM/ECF, which will send notification of the filing to all attorneys of record in this case; and a copy of this document was served on Defendants by adding it to the published link in the manner prescribed by the Court's October 4, 2022 Order, Dkt. 22, ¶ 5.

/s/ Eric C. Cohen
Eric C. Cohen